



U.S. Department of Justice

Office of the Inspector General

September 29, 2004

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Dear Congressman Conyers:

This letter responds to your correspondence of September 16, 2004, regarding a request that the Office of the Inspector General (OIG) investigate possible violations of the Fourth Amendment and a court order by officials at the Department of Justice (Department) in connection with the investigation and search of the Bay Area Laboratory Co-Operative (BALCO). Specifically, you asked the OIG to review actions taken by Department staff and prosecutors in the United States Attorney's Office in San Francisco in connection with the BALCO investigation.

After reviewing your letter, we have concluded that the alleged misconduct at issue involves questions about how Department attorneys exercised their investigative and prosecutive authorities. This matter is therefore within the investigative jurisdiction of the Department's Office of Professional Responsibility (OPR), rather than the OIG. OPR has the jurisdiction to investigate the conduct of Department attorneys in the exercise of their litigative or investigative functions.

Therefore, we have discussed your letter with and forwarded it to OPR.

Thank you for bringing this matter to our attention. If you have any questions about this matter, please contact me or Deputy Inspector General Paul Martin.

Sincerely,

A handwritten signature in blue ink that reads "Glenn A. Fine". The signature is fluid and cursive, with the first name "Glenn" being the most prominent part.

Glenn A. Fine
Inspector General

cc: The Honorable F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary
U.S. House of Representatives

H. Marshall Jarrett
Counsel, Office of Professional Responsibility
Department of Justice